



September 6, 2023

Via ECF and Electronic Mail

Hon. Andrew L. Carter, Jr., U.S.D.J.  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 1306  
New York, New York 10007

Re: Blockchain Mining Supply and Services, Ltd. v. Digital Farms, Inc. (f/k/a Super  
Crypto Mining, Inc.) and Ault Alliance, Inc. (f/k/a DPW Holdings, Inc.),  
**No. 18-CV-11099-ALC-BCM**

Dear Judge Carter:

The undersigned represents Defendants Digital Farms, Inc. (f/k/a Super Crypto Mining, Inc.) (“DF”) and Ault Alliance, Inc. (f/k/a DPW Holdings, Inc.) (“DPW” and with “DF” collectively, “Defendants”) in the above-referenced matter.

Defendants write to briefly respond to Plaintiff’s letter to the Court, dated September 6, 2023, wherein Plaintiff seeks to follow-up on its previous request for an enlargement of the page count (the “Follow-Up Letter”). [DE 158]. The Follow-Up Letter is telling for what Plaintiff leaves out, and, in light of Plaintiff’s clear gamesmanship, Defendants would respectfully request that the Court deny Plaintiff’s request such that Plaintiff and Defendants will each submit their respective reply briefs on Friday, September 8, 2023, in accordance with the standard page count.

Plaintiff waited until two weeks after its request, and until the eleventh-hour (today at 4:13 PM EST) to purportedly “follow-up” exclusively on its request for an enlargement of the page count. Plaintiff makes no reference to Defendants’ request for an enlargement [see DE 157], except to cavalierly note that Defendants did not interpose an objection to their request.

Notwithstanding, the timing of the Follow-Up Letter necessarily implies that Plaintiff has drafted two versions of the reply brief – one with the enlarged page count and one with the standard page count – and now seeks the Court’s permission to file its enlarged version *within thirty-six hours*, while Defendants would be relegated to the standard ten-page count. Plaintiff provides no justification as to why, at this late juncture, such enlargement would be required, and the Court should not countenance Plaintiff’s conduct. Defendants remain ready, willing, and able to submit their reply briefs, with the standard ten-page count, on or before September 8, 2023, but would respectfully request an extension of time in the event that the Court grants the parties’ respective requests for an enlargement of the page counts.

We thank the Court for its time and consideration.

Respectfully submitted,  
/s/ Robert B. Volynsky  
Robert B. Volynsky

cc: All Counsel of Record

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